

REMARKS/ARGUMENTS

Reconsideration of the captioned application in view of the foregoing amendment and following remarks is requested.

The claims pending are claims 1-8, 10 and 11. Applicants note that the previous restriction requirement has been made final.

Claim 8 is rejected under 35 USC §112, second paragraph as allegedly indefinite. This rejection has been obviated by amendment of claim 8.

In the Office Action, it is alleged that the term "intimately" is not defined by the claim.

Applicants respectfully submit that the term "intimately" as used in claim 8 is clear and definite and would be understood by one skilled in the art. Nonetheless, to advance prosecution, applicants have amended claim 8 to delete the term "intimately".

Thus, applicants request that the rejection under 35 USC §112, second paragraph be withdrawn.

Claims 1-3, 6-8, and 10-11 are rejected under 35 USC §102(e) as allegedly anticipated by Wigerinck et al. (US 6,133,277) or related divisional patent (US 6,495,547B). This rejection is respectfully traversed.

In the Office Action, it is asserted that "Wigerinck, et al teach compounds that fall under the instantly claimed genus. See cols. 23-36, compounds such as 23, 8, 73, 97 and 99, specifically the instant claimed compounds of formula I wherein R1, R2 and R3 is H; Alk 1 is alkyl, R6 is phenylmethyl or hydrogen; -Z1Z2- is -O-CH2-CH2-CH2-; Alk2 is alkyl; R5 is (c-3); Q is (d-1), (d-5) or (d-1) substituted by phenyl; R9 is cyano and R10 is hydrogen".

Applicants submit that, contrary to the assertion in the Office Action, Wigerinck does not teach compounds falling under the instantly claimed genus. Specifically, none of the compounds 23, 8, 73, 97 and 99 disclosed in Wigerinck have a substituent corresponding to ALK2 as defined in the pending claims. ALK2 as defined in the pending claims is C1-4alkylcarbonylC1-4alkyl; C1-6alkanediyl substituted with hydroxy, halo, amino, hydroxyC1-4alkyl, C1-4alkyloxy, C1-4alkyloxyC1-4alkyl, C1-4alkyloxycarbonyl, C1-4alkylcarbonyloxyC1-4alkyloxycarbonyloxy, or C3-6cycloalkylcarbonyloxyC1-4alkyloxycarbonyloxy; C3-8cycloalkanediyl optionally substituted with halo, hydroxy, hydroxyC1-4alkyl, C1-4alkyloxy, C1-4alkyloxyC1-4alkyl, C1-4alkyloxycarbonyl, C1-4alkylcarbonyloxyC1-4alkyloxycarbonyloxy, or

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C₃₋₆cycloalkylcarbonyloxyC₁₋₄alkyloxy carbonyloxy. On the other hand, Wigerinck teaches ALK2 as unsubstituted C₁₋₆ alkanediyl.

Wigerinck nowhere teaches or suggests the claimed compounds wherein ALK2 is as defined.

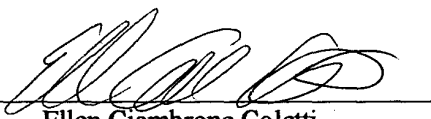
Thus, Applicants request that the rejection under 35 USC §102(e) be withdrawn.

Applicants note the objection of claims 1-3, 6-8, and 10-11 and 4-5.

Since all the claims are of proper form and patentable over the cited art, an early allowance and notice of same is requested.

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claim 8 as follows:

8. (Amended) A process for preparing a pharmaceutical composition wherein a therapeutically active amount of a compound as claimed in claim 1 is ~~intimately~~ mixed with a pharmaceutically acceptable carrier.